

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, July 27, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 140

Subject: C14-06-0107 - Milstead Warehouse - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12301 Roxie Drive (Lake Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: William C. Milstead. Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup
Material**

(click to open)

- [Staff Report](#)
- [Ordinance](#)

For More Information: Sherri Sirwaitis, 974-3057.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0107

ZAP DATE: June 20, 2006

ADDRESS: 12301 Roxie Drive

OWNER/APPLICANT: William C. Milstead

AGENT: Land Answers (Jim Wittliff)

ZONING FROM: I-SF-2

TO: LI

AREA: 1.40 acres

SUMMARY STAFF RECOMMENDATION:

Staff's recommendation is to grant LI-CO (Limited Industrial-Conditional Overlay District) zoning. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit the Basic Industry, Recycling Center, and Resource Extraction uses.

ZONING & PLATTING COMMISSION RECOMMENDATION:

6/20/06: Approved staff's recommendation for LI-CO zoning by consent (7-0, J. Gohil, S. Hale – absent); J. Martinez-1st, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed as a restaurant supply company. The applicant is requesting permanent zoning to bring the existing use into conformance with the City of Austin Land Development Code use regulations.

The staff is recommending LI-CO zoning for this property because the site is located within an industrial park surrounded by office, commercial, warehouse distribution, light manufacturing and construction sales and services uses. The site meets the intent of the LI district as it allows for a commercial service use or limited manufacturing use generally located on a moderately-sized site. The property takes access to a collector roadway that is located off of two major arterials, Pond Springs Road and U.S. Highway 183 North.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Office/Warehouse/Distribution use(Restaurant Supply)
<i>North</i>	CS-CO, I-RR	Outdoor Equipment Storage use (Maverick Drilling Co.), Construction Sales and Services use (Anytime Plumbing), Pet Services (Vet Clinic)
<i>South</i>	CS-CO, I-SF-2	Custom Manufacturing use (Becks Signs & Designs), Office/Warehouse/Distribution use, Local Utility Services use (Telephone Company)
<i>East</i>	I-RR, CS-CO	Office/Industrial/Warehouse uses(Roxie Drive Business Park- All Star Heating & Air, Bartz Paint & Drywall, Legacy Custom Decks, Hammerhead Bikes, Capital Screen, Centex Electric, Inc., Triumph Graphic Supply, Flynn Company, Maluski

		Woodworking, Texas Solar Source), Monument Sales use(Southwest Marble & Granite Works)
West	I-SF-2, LI-CO	Construction Sales & Services use(Austin Gutter Man & Gutter Helmet), Automotive Repair Services uses(Texas Undercar Auto Parts and Warehouse, Crabtree VW & Import Repair, Austin V Shop Volvo Repair)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0143	I-RR to Tract 1: GR, Tract 2: CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias); all 3 readings
C14-04-0157	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning by consent (9-0)	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-03-0169	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS-CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-02-0159	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-

			Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-02-0158	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)
C14-01-0111	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0)

			1/31/02: Approved GR on all 3 readings (6-0, Goodman-off dias)
C14-01-0074	I-RR to LI	6/19/01: Approved staff's alternate recommendation of CS-CO district zoning, with CO limiting the site to 2,000 vtpd, by consent (7-1, Cravey-Nay, Garza-Absent)	7/19/01: Approved CS-CO, all 3 readings
C14-99-2036	I-RR to GR	10/5/99: Approved GR-CO (7-1, RC-Nay) w/ only permitted GR use being a car wash and prohibiting the following uses: Automotive Rental, Automotive Repair Services, Automotive Sales, Business Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (General), Theater, Hospital Services (General), Off-Site Accessory Parking	11/4/99: Approved GR-CO (6-0); all 3 readings
C14-98-0238	I-RR to CS	2/2/99: Approved staff alternate rec. of CS-CO, limiting the site to 2,000 vtpd (8-0)	3/4/99: Approved CS-CO (7-0); all 3 readings
C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd	2/25/99: Approved PC rec. of GR-CO (7-0); all 3 readings

C14-98-0201	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day limit (7-0); all 3 readings
C14-98-0199		1/12/99: Approved GR-CO zoning, limiting the site to 2,000 vtpd.	2/11/99: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff rec. of GR-CO zoning, limiting the site to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO (7-0), all 3 readings
C14-98-0167	I-SF-2 to CS	11/17/98: Approved staff alternate rec. of CS-CO, w/ 2,000 vehicle trips per day limit, by consent (9-0)	1/21/99: Approved CS-CO w/ conditions (7-0); all 3 readings
C14-98-0152	I-RR to CS	11/10/98: Approved staff alternate rec. of CS-CO, prohibiting adult oriented businesses, by consent (8-0)	12/10/98: Approved CS-CO, with CO limiting the site to 2,000 vtpd (7-0, 1 st) 2/25/99: Approved CS-CO (7-0, 2 nd / 3 rd)
C14-98-0099	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 st reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0097	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS-CO with conditions (7-0); 2 nd / 3 rd readings
C14-98-0096	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading

			12/10/98: Approved CS-CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0036	I-SF-2 to LI-CO	4/14/98: Approved LI-CO w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	5/14/98: Approved PC rec. of LI-CO w/ conditions (5-0); 1 st reading 1/21/99: Approved LI-CO w/ conditions (7-0); 2 nd / 3 rd readings

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Roxie Drive	72'	30'	Collector	No	No	No

CITY COUNCIL DATE: July 27, 2006

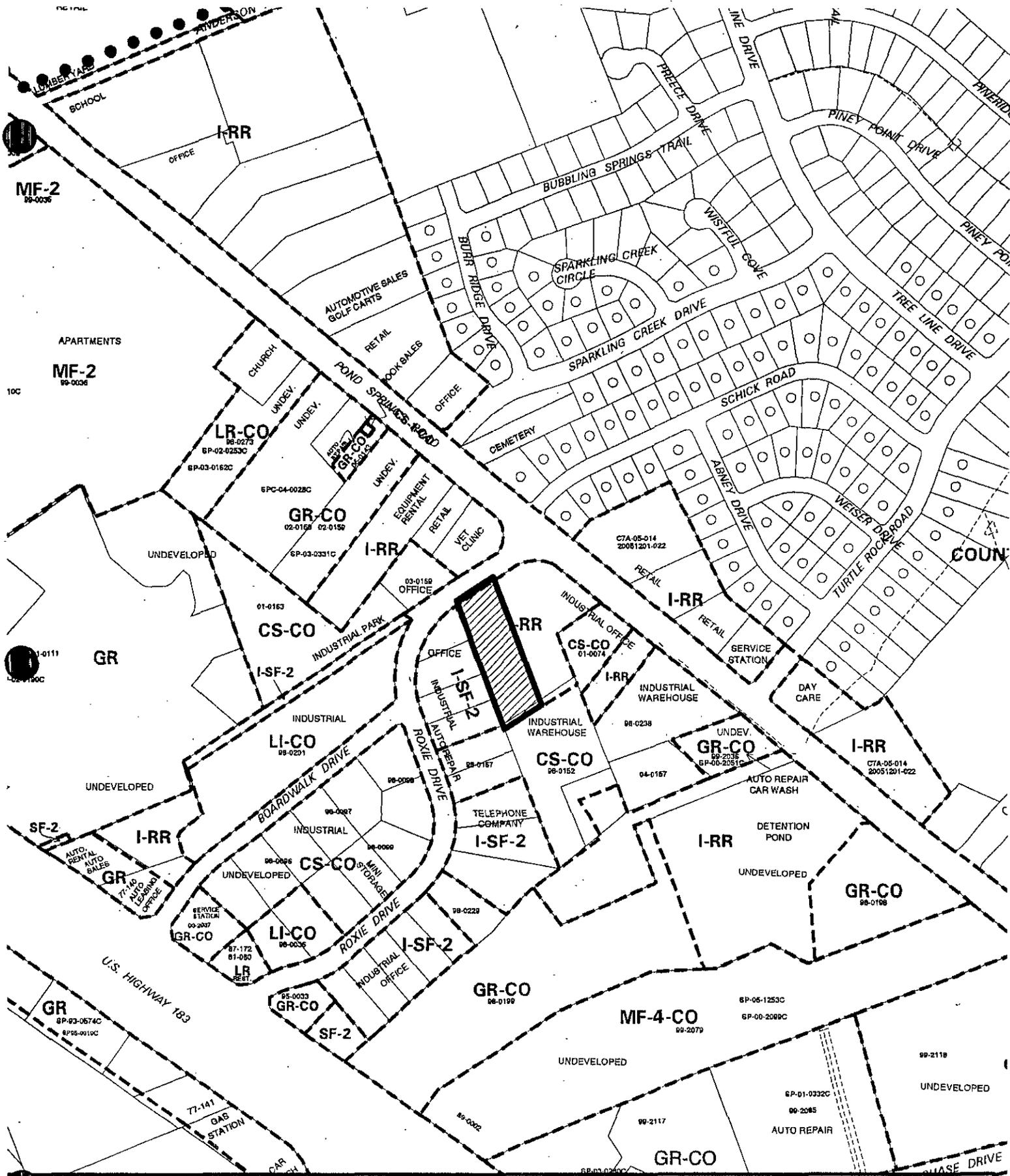
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us



<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S.SIRWAITIS</p>	<p>CASE #: C14-06-0107</p> <p>ADDRESS: 12301 ROXIE DR</p> <p>SUBJECT AREA (acres): 1.400</p>	<p>ZONING</p> <p>DATE: 06-05</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>G37</p>
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1" = 400'

STAFF RECOMMENDATION

Staff's recommendation is to grant LI-CO (Limited Industrial-Conditional Overlay District) zoning. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit the Basic Industry, Recycling Center, and Resource Extraction uses.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Limited industrial service (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

2. *The proposed zoning should promote consistency and orderly planning.*

LI-CO zoning would be consistent with the surrounding commercial and industrial uses located to the north, south, east, and west of the site. The property in question is located within an industrial park adjacent to CS-CO and LI-CO district zoning and takes access to a collector roadway that is located off of two major arterials, Pond Springs Road and U.S. Highway 183 North.

3. *Zoning should allow for reasonable use of the property.*

LI-CO zoning will allow the applicant to bring the existing warehouse/distribution use on the property into conformance with the City of Austin Land Development Code. The proposed zoning is consistent with existing development in this area of the city.

EXISTING CONDITIONS

Site Characteristics

The subject tract is developed with a restaurant supply company. The site is surrounded by office, commercial and industrial uses to the north, south, east, and west.

Impervious Cover

The maximum impervious cover allowed by the LI zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the LAKE CREEK Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 4,924 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The existing 6,120sf warehouse generates 373 vehicle trips per day.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Roxie Drive	72'	30'	Collector	No	No	No

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of

Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation.

If offsite main extension and/or system upgrades or necessary for City utility service or fire protection, the landowner, at own expense will be responsible for providing.

The water and wastewater utility system must be in accordance with the City of Austin design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspection fee with the utility system.

The landowner must pay all applicable and associated City water and wastewater utility fees to obtain City service.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

No comments.

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 12301 ROXIE DRIVE AND CHANGING THE
3 ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD
4 LOT (I-SF-2) DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL
5 OVERLAY (LI-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim single family residence standard lot (I-SF-2) district
11 to limited industrial services-conditional overlay (LI-CO) combining district on the
12 property described in Zoning Case No. C14-06-0107, on file at the Neighborhood Planning
13 and Zoning Department, as follows:
14

15 A 1.40 acre tract of land, more or less, out of the Henry Rhodes Survey A-522 in
16 Williamson County, the tract of land being more particularly described by metes
17 and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

18 locally known as 12301 Roxie Drive, in the City of Austin, Williamson County, Texas, and
19 generally identified in the map attached as Exhibit "B".
20

21
22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 1. A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively
27 with all existing or previously authorized development and uses, generate traffic that
28 exceeds 2,000 trips per day.
29

30 2. The following uses are prohibited uses of the Property:
31

- | | |
|------------------------|------------------|
| 32 Basic industry | Recycling center |
| 33 Resource extraction | |

34
35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the limited industrial services (LI)
base district and other applicable requirements of the City Code.

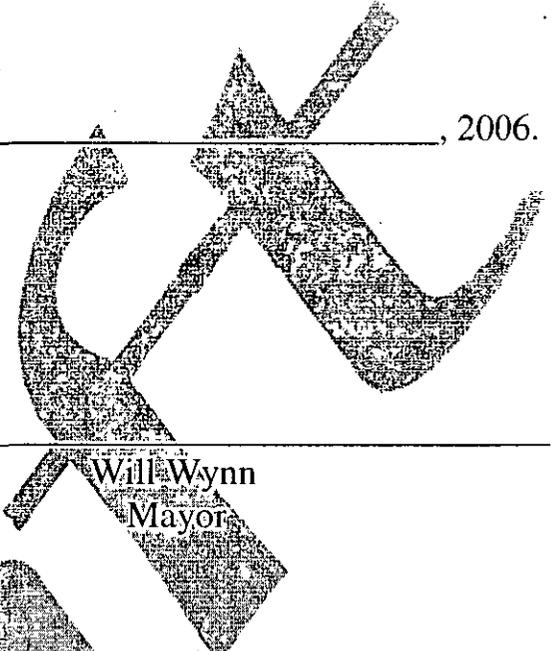
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PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

§
§
§



Will Wynn
Mayor

APPROVED: _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

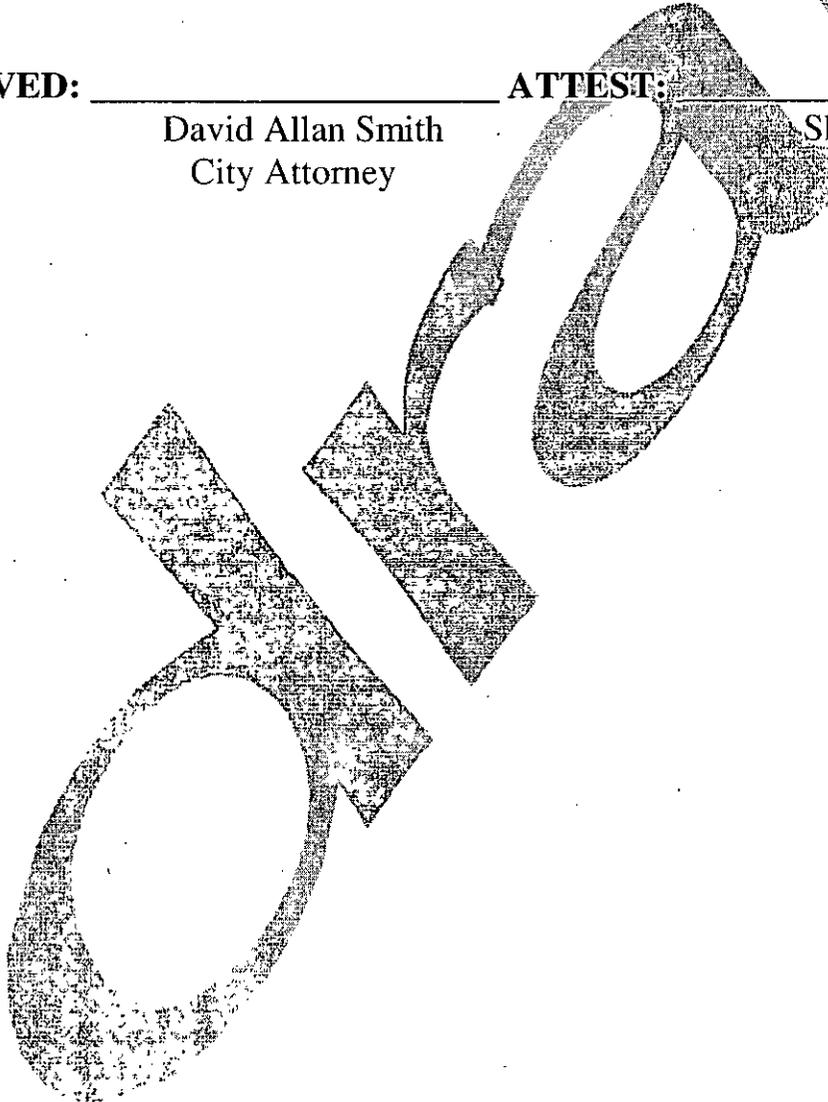


EXHIBIT A

FIELD NOTES

FIELD NOTES FOR 1.40 ACRES OF LAND OUT OF THE HENRY RHODES SURVEY A-522 IN WILLIAMSON COUNTY, TEXAS, SAID 1.40 ACRES OF LAND BEING OUT OF THOSE CERTAIN TWO TRACTS CONVEYED TO CERTIFIED PLUMBING OF RECORD IN VOLUME 908 AT PAGE 650 AND VOLUME 908 AT PAGE 647 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 1.40 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found on the east line of Lot 28, Buell Park, a subdivision of record in Cabinet E at Slide 346 and 347 of the plat records of Williamson County, Texas, said point being the southwest corner of said Certified Plumbing tract of record in Volume 908 at Page 647, said point being the southwest corner of the herein described tract and the POINT OF BEGINNING hereof;

THENCE, with the east line of said Buell Park, the following two (2) courses:

(1) N20°06'40"W 104.00 feet to an iron pin found at the northeast corner of Lot 29 of said Buell Park; and

(2) N20°05'17"W 90.11 feet to an iron pin found at the northeast corner of Lot 30 of said Buell Park, said point being the southeast corner of Buell Park Annex, a subdivision of record in Cabinet E at Slide 253 of the plat records of Williamson County, Texas:

THENCE, with the east line of said Buell Park Annex, N20°14'W 112.31 feet to an iron pin found at the northeast corner of said Buell Park Annex, for an exterior corner hereof;

THENCE, N57°48'E 1.21 feet to an iron pin set for an interior corner hereof;

THENCE, N18°57'40"W 132.79 feet to an iron pin set on the north line of said Certified Plumbing tract of record in Volume 908 at Page 650, said point being on the south line of a remaining portion of that certain tract of land conveyed to Buell Supply Co. of record in Volume 566 at Page 200 of the deed records of Williamson County, Texas, said point being the northwest corner hereof;

THENCE, with the north line of said Certified Plumbing tract of record in Volume 908 at Page 650, N57°48'E 140.19 feet to an iron pin found for the northeast corner hereof;

THENCE, S 19°52'33"E 440.40 feet to an iron pin found on the south line of said Certified Plumbing tract of record in Volume 908 at Page 647 for the southeast corner hereof;

THENCE, with the south line of said Certified Plumbing tract of record in Volume 908 at Page 647, S58°20' W 141.69 feet to the POINT OF BEGINNING and containing 1.40 acres of land.

SURVEYED BY: DAVID BELL, REGISTERED PUBLIC SURVEYOR NO. 3994

David Bell

DATE: 6-1-84



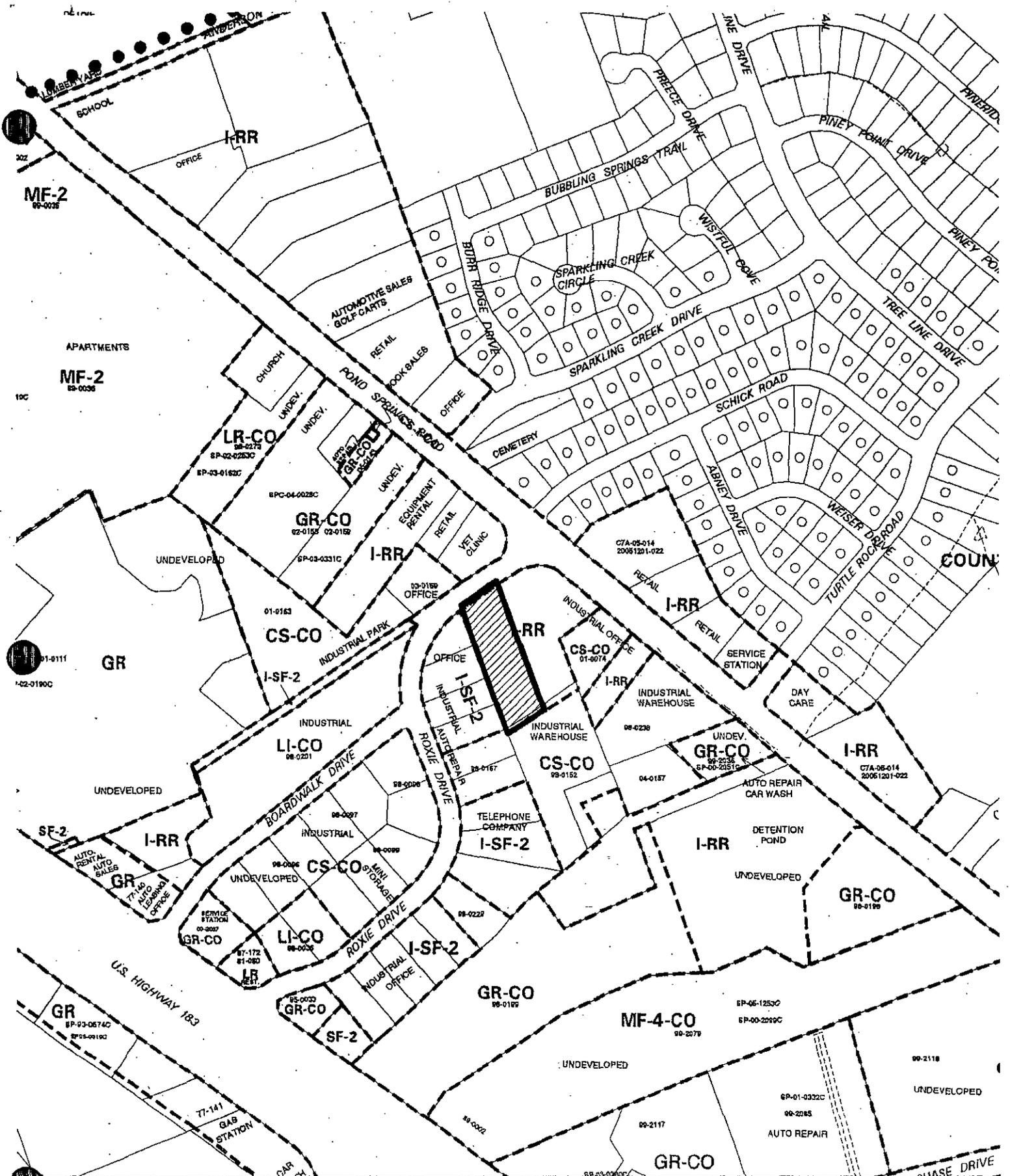
This surveyor's product is not affiliated with any surveying company. David Bell, acting individually, is solely responsible for it's content.

David Bell

4-27-06



DAVID BELL
6203 HONEY DEW COURT
AUSTIN, TEXAS 78749
Home Phone (512) 892-3692
Cell Phone (512) 657-1422



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S.SIRWAITIS

CASE #: C14-06-0107
 ADDRESS: 12301 ROXIE DR
 SUBJECT AREA (acres): 1.400

ZONING EXHIBIT B

DATE: 06-05

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 G37

1" = 400'

SP-95-0470C

03-0133